

## REMARKS

Applicant respectfully requests consideration of the subject application.

This Response is submitted in response to the Office Action mailed July 3, 2006.

Claims 2-16, 19-34, 36-51, and 71-79 and 81-85 stand rejected.

### 35 U.S.C. § 103 Rejections

The Examiner has rejected claims 2-16, 19-34, 36-51, 71-79 and 81-85 under 35 U.S.C. § 103(a) as being unpatentable over article by Marc Gunther entitled "The Trouble with Advertising" (hereinafter "Gunther") in view of Eggleston, et al. (U.S. Patent No. 6,061,600, hereinafter "Eggleston").

Applicant respectfully submits the cited art fails to teach or suggest, inter alia, as claimed in claim 71:

providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least

one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

awarding, based on a predetermined number of at least one point awarded to the user for clicking on the one of the plurality of hyperlinks, at least one entry in a sweepstakes.

Similar limitations are included in independent claims 76, 81 and 85.

Applicant points the Examiner to MPEP § 2143: "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." (emphasis added)

Applicant further points the Examiner to MPEP § 2143.01: "Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.)."

The Examiner submits that it would be obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating different point values to the different advertisers links because such a

modification allow different advertisers to offer a higher point value to users who click on the links to their websites and therefore increase their traffic flow. Applicant respectfully disagrees.

The Examiner also submits that Gunther does not specifically teach that one of the product or service that the user can redeem the points for is to enter a sweepstake. The Examiner cites Eggleston for teaching that based on a predetermined amount of loyalty points, the users will be eligible to enter a sweepstake. The Examiner submits that it would be obvious to combine Gunther with Eggleston to use the points to enter a sweepstake in order to produce excitement. Applicant respectfully disagrees.

The Examiner further submits that Official Notice is taken that it is old and well known to use look up tables for looking up and matching information and that it would have been obvious to use a look-up table in the system of Gunther to store the values of the hyperlinks in order to make it easy to store and retrieve the values. Applicants respectfully disagrees

The Examiner also submits that Gunther teaches "An avid sports fan or anyone with nothing better to do can click on enough links to earn points." Applicant respectfully disagrees

The Examiner has still pointed to no teaching in the cited art for associating different point values to links within the same website.

Applicant also point the Examiner to MPEP § 2144.03: "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant

and unquestionable demonstration as being well-known." Applicant respectfully submits that it is not appropriate to take official notice under the present circumstances. Applicant respectfully requests the Examiner point to a prior art reference for the limitations related to the look-up table.

In addition, the Examiner has misquoted Gunther at page 6, section 6 of the Office Action. Gunther does not disclose that "An avid sports fan or anyone with nothing better to do can click on enough links to earn points." Instead, Gunther discloses that "An avid sports fan (or anyone with nothing better to do) who visits frequently and clicks on enough pages can exchange points for T-shirts, movie passes, \$5 and \$10 restaurant certificates, hockey pucks, and baseballs, along with automatic entries in a \$1 million sweepstakes."

Applicant also note MPEP § 2121.01: "The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation."

Applicant respectfully submits Gunther is non-enabling prior art. Gunther merely describes the idea of a rewards program, but undue experimentation is required to arrive at the presently claimed invention based on the disclosure of Gunther.

Thus, neither Gunther, Eggleston, nor combinations thereof teach or suggest all of the limitations of independent claims 71, 76, 81 and 85. Claims 2-16, 19-34, 36-51, 72-75, 77-79 and 82-84 depend, directly or indirectly, from one of

the foregoing independent claims. Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 2-16, 19-34, 36-51, and 71-85 under 35 U.S.C. § 103(a) as being unpatentable over article Gunther in view of Eggleston.

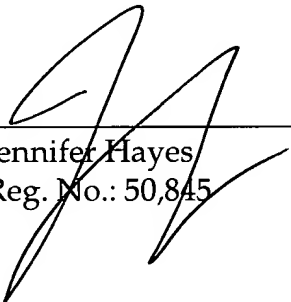
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 3, 2006

  
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